THE HON'BLE SRI JUSTICE C.V. RAMULU

Monday, 5th day of February,2007

W.P.No.13407 of 1996

Between:-

The Management of Deccan
Enterprises Pvt.Ltd., Balanagar,
represented by its Personnel
Manager Mr. S.K. Mishra ...
Petitioner

and

The Authority under Payment of
Wages Act-cum-Asst. Commissioner
of Labour-I, Hyderabad and others ...
Respondents

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ORAL ORDER:

This Writ Petition is filed seeking a Certiorari to call for the records relating to the Order dated 3-7-1996 passed in P.W.No.1/96 on the file of the Authority under Payment of Wages Act-cum-Assistant Commissioner-I, Hyderabad and to quash the same.

There is no necessity of going into all the details. It appears, respondents 2 to 62 herein filed an application before the 1st respondent-Authority under Payment of Wages Act-cum-Assistant Commissioner of Labour I, Hyderabad. While so, the notice sent to the petitioner herein was returned with an endorsement 'refused to receive'. Thereafter, the case was posted for hearing on 1-6-1996, 10-6-1996 and 12-6-1996. Petitioner herein was called on the above dates, but it was absent. Therefore, the petitioner herein was set *ex parte* and the evidence of two workmen was recorded. As the issue was non-payment of wages, the evidence of other workmen was not recorded and the case was reserved for Orders. Meanwhile, the counsel for the petitioner herein filed a Vakalat before the 1st respondent and requested for reopening of the case. After hearing both sides and to give an opportunity to the petitioner herein, the Authority passed Orders reopening the case, subject to payment of costs of Rs.100/- per applicant. Aggrieved by the same, the Management filed

the present Writ Petition.

The impugned Order is purely a discretionary one, passed by the 1st respondent when the counsel for the petitioner herein filed Vakalat after examining two workmen. In order to give an opportunity to the petitioner, the case was reopened imposing costs of Rs.100/- per applicant. In the facts and circumstances of the case, the impugned Order cannot be said to be either arbitrary or illegal. The Writ Petition is devoid of merits and is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No order as to costs.

05-2-2007

prk